

COMMISSIONERS APPROVAL

GRANDSTAFF *Ch*
ROKOSCH *J. N.*

THOMPSON

CHILCOTT *q*

DRISCOLL *q*

PLETTENBERG (Clerk & Recorder)

Date.....December 11, 2008

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

► Minutes: Glenda Wiles

► Commissioner Alan Thompson attended a Human Resource Council meeting in Missoula.

► The Board met with Health Officer Dr. Calderwood, Public Health Nurse Judy Griffin, Public Nurse Natalie Park, Deputy County Attorney Karen Mahar, and County Attorney George Corn in regard to the rabies vaccine invoice from Marcus Daly Hospital.

Karen gave an update to the rabies issue in Stevensville. She noted Nurse Sarah Hamilton met with Marcus Daly Administrator John Bartos on Friday to see about staff assistance in regard to the MOU that was in place between the county and the hospital (staff support and working together). Sara relayed John was hostile during this meeting and did not want to provide any nurses or medical staff to assist them in their vaccinations. Knowing they had the first clinic on Monday, they had to move forward with some kind of nursing assistance.

Karen also noted a pharmacy in Arizona had to make this vaccine and it had to be shipped to a secure and refrigerated site, which according to the pharmacy was the hospital. George mentioned the hospital has a decontamination room specifically set up for the MOU that was put in place by the previous Bio-Terrorism Coordinator Charmell Owens. At that point, Karen drafted a contract for the hospital nursing staff. In the meantime, Sarah contacted the Stevensville School and obtained permission from Kent Kultgen who said he would take care of it (meaning the vaccines) by calling John Bartos. The invoice from the Arizona pharmacy actually has John's name on it. John Bartos then reviewed the contract Karen put together for nursing assistance on Monday and would

not sign it. At that point they took the same contract to Aspen Hospice and they were happy to sign the contract and provide the nursing staff.

Karen noted the PHN role is to investigate the issues and not necessarily go any further on an issue like this, but wanting to assist the families they took the extra step in assisting the school in ordering the vaccine and putting together the staff to give continuity in the vaccinations.

George stated Judy and Dr. Calderwood wanted to have a way to vaccinate the kids and not refer them to private doctors as they might not follow through. Karen stated John Bartos created an issue by not billing Stevensville as what was agreed to. Now the invoice is being billed to the county. They sent this invoice to Kent, and Kent billed the insurance. Now the insurance will only pay for the actual vaccines, but not the vaccines that were not given for the families that opted out. The excess vaccine is \$29,000.00. The Hospital then relinquished the extra vaccine to the Nurses Office. It was also noted that Judy received the number of kids that needed the vaccines from the school. It was after they did their initial meetings with the parents and kids that some of the families opted out, thus leaving some unused vaccines.

Just recently they learned a family in Bozeman needs some of the rabies vaccine. Judy contacted the State and stated they could send them the vaccine and they could pay for what they needed. But the pharmacy says the vaccine can not be re-sold. She stated if the insurance company takes the vaccine they will probably dump it which would be a waste because the vaccine stays good until 2011. Now the County has lost two different opportunities to allow others to use the vaccine.

Karen stated Kent is now back pedaling and says the excess vaccine is not their responsibility. Thus that leaves the county in a dispute with the schools insurance company. They need to decide whether they should pursue a claim against the insurance company or piece out the excess vaccine and recoup something of this \$29,000.00.

Dr. Calderwood stated at first the school affected their count by not counting two 4th grade class rooms, so the PHN Office had to increase the order that night which helped to increase the excess. Judy stated they had to have enough vaccine because of the window of opportunity (10-day deadline) for the shots. Karen stated they all did the right thing and the best they could do in such a short time. The county had no control over John Bartos or the school insurance.

George stated when he talked to the insurance company, it was very clear the Superintendent was being pulled in his duties and responsibilities in regard to what the insurance company stated they would pay. Dr. Calderwood stated some parents changed their mind after counseling which again affected the excess. George stated the insurance company is only paying for the actual shots and not for all the children who were exposed. George stated the insurance will not pay for any of the kids that were at the soccer game (which was 6-7 kids). Karen stated they felt that was an issue of private billing with the parents. George stated he wants to put some pressure on the insurance

company and the woman who brought the bat in. George stated Montana ranks in the 5 states that are less prepared for a Bio-Terrorism act or an emergency. This was a good example of a public health emergency, and when people start pointing fingers it causes a problem because then they are not dealing with the important immediate issues to solve the emergency.

The Commissioners then placed Dr. Helgerson and Ron Klein of the State Board of Pharmacy on conference call. In order to bring Dr. Helgerson and Ron Klein up to speed on the issues, Karen explained the excess vaccine and the dispute over the payment of this excess. Discussion took place about the invoice to the pharmacy that has not been paid which includes the excess vaccine in the amount of \$29,000. She noted the County is trying to figure out what to do with this vaccine, and see if it can be used in other jurisdictions and recoup some costs. Ron stated the health department could take possession, and if someone needs it they could disseminate the vaccine. The state will not assist the county in obtaining payment for the vaccine, as that would be an issue for the county to pursue. Karen stated at least the vaccine would be utilized and not wasted.

George asked if the excess vaccine could be sent to the state and if the state could notify other medical facilities that this vaccine is available. Ron stated he had no problems with that but reiterated the state will not act as a collection agency for the county.

Ron asked if the vaccine has been properly stored and under proper health care professionals. It was noted that it has been. Karen asked if the County could affix a reasonable price. Ron stated that was correct, the county could bill for that vaccine, the state could disseminate. Dr. Helgerson stated the State Health Department needs to be aware of the animal bites so they will be aware of that rabies vaccine need. His concern is the billing process. If, as Ron noted, the State identifies the circumstances that the vaccine is to be used, and then they can distribute the product to the receiving source, the user could then contact the county for billing/payment purposes. Ron stated they do not want to become involved in any of the monetary exchange. Ron stated the state can provide storage and transport documentation of that product as it is needed. Ron stated if he were talking with a physician that needed the vaccine due to a bite, he would advise them they can provide the vaccine but the invoice needs to be tended to with Ravalli County. Both Ron and Dr. Helgerson stated this is workable but they cannot agree that Ravalli County will get their money back.

Karen asked if the product can be distributed nationally. Dr. Helgerson stated they can distribute nationally but there probably won't be that need because the medical facilities in the state could utilize the remaining vaccine by August 2011. Those patients need to have the option to obtain the vaccine from either the Pharmacy named Sanofi Pesteur or the County. Karen stated she will draft a letter to the issues just discussed and send it to Dr. Helgerson and Ron Klein, making sure they are in agreement. Dr. Helgerson stated he was honored to work with Dr. Calderwood and the PHN Office, as they are sharp people. He also appreciated Ron's work.

George stated he will call the Commissioner of Insurance and obtain the pay off for what they think they owe, get this letter sent off to Dr. Helgersen and Ron Kline and move forward on sending this vaccine to the state. In the meantime, the county will pay for the excess, continuing to seek relief from the woman's insurance company, the insurance company for the school and or collection from any use of the vaccine.

Dr. Calderwood also stated the teachers have work comp and payment should also help in those costs.

George agreed, but noted they need to get this vaccine off to the state. Karen stated while they are not admitting the County's responsibility by going ahead and making this payment, they are also showing the responsibility by the County to deal with the invoice and deal with the vaccines that need to be utilized before they expire. Karen will make sure the insurance company knows that the count of the kids came from the school.

Discussion also occurred about John Bartos' actions and how the county needs to address these actions by the hospital when a public health emergency takes place. Dr. Calderwood stated they need to address these issues prior to another health emergency. The Board concurred.

► In other business the Board met with Peter Rosten of MAPS (Media Arts in Public Schools). Peter gave a brief history as to how MAPS started and an update noting they are going to move into their own facility with a new name "MAPS Media Institute". Their mission is to educate and create quality jobs for Montana youth. They are also expanding to allow adults into the program for tuition based services. Peter noted this program is expanding into all of the Ravalli County School Districts with approved arts credit. In order to continue this funding for expansion, the MAPS MI received \$76,000 from Congressional funding. He is now seeking \$200,000 in funding and Representative Robert Ebinger of Livingston will carry this bill. Peter stated he is asking the Commissioners to see this as an economic development for Ravalli County, and give him a letter of support for this bill. This second bill is critical to add to the \$76,000 in order to move forward. He plans on seeking grants also, but if this second bill is not approved he does not want to wait until 2010, rather he will give the \$76,000 back to the state. Commissioner Grandstaff suggested Peter use that \$76,000 as seed money for grants. Peter is also looking at rural economic development through vocational education.

Commissioner Chilcott stated if the county is going to support this for economic development, Peter should work with Economic Development Authority. Peter stated he is already working with Julie Foster as they are looking at CDBG (Community Development Block Grant funding). Commissioner Chilcott also suggested Peter contact Senator Rick Laible as he is the Education Chair in the Senate. That contact should help Peter in his endeavor for state funding. State funding for education is going to be tight and Peter would be better served to have Rick knowledgeable on Peter's endeavor. Commissioner Chilcott also suggested Peter have a letter of support from the Economic Development Authority. Peter agreed he needs to make those local legislative contacts for support as well as the schools and the county.

Commissioner Grandstaff and Commissioner Rokosch indicated they had to leave for another meeting but are in support of this letter of support. Commissioner Driscoll indicated she would be willing to make a trip to Helena to support this funding and effort.